



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov
DW 01-03

Paper No. 7

#17

ZAGORIN O'BRIEN & GRAHAM LLP
401 W 15TH STREET
SUITE 870
AUSTIN TX 78701

COPY MAILED

JAN 21 2003

OFFICE OF PETITIONS

In re Application of :
David M. Ungar :
Application No. 10/044,112 : DECISION GRANTING PETITION
Filed: 24 October, 2001 :
Att'y Docket No. 004-3307 :

This is a decision on the "Request for Corrected Filing Receipt" filed on 5 August, 2002, which is treated as a petition requesting that the application, including four (4) sheets of drawings, be accorded a filing date of 24 October, 2001, rather than the currently-accorded filing date of 4 June, 2002.

On 24 October, 2001, the application was filed.

On 7 March, 2002, Initial Patent Examination Division mailed a "Notice of Omitted Items in a Nonprovisional Application" stating that the application had been accorded a filing date of 24 October, 2001, but that Figures 4A-4E described in the specification appeared to have been omitted from the application. Additionally, on 30 May, 2002, a Request for Substitute Papers was mailed, requesting that applicants supply a copy of the papers originally filed on 24 October, 2001, because the original application papers had been damaged during the USPS mail sanitization process and were no longer in condition to become part of the permanent records of the USPTO.

In response, on 4 June, 2002, petitioners supplied a copy of their postcard receipt and the application papers, including four (4) sheets of drawings containing Figures 1, 2, 3A-D, and 4A-E. The postcard contains an "Office-date" of 10/24/01 and the above-identified application number and itemizes the filing of, *inter alia*, four (4) sheets of drawings. In response, the application was accorded a filing date of 4 June, 2002.

Petitioners request that the application be accorded a filing date of 24 October, 2001, as a complete application, including four (4) sheets of drawings, was present on that date.

Upon review of the record, three (3) sheets of drawings containing Figures 1, 2, and 3A-D, have been located among the application papers received on 24 October, 2001. However, the evidence is convincing that the application papers deposited on 24 October, 2001, included four sheets of drawings, one of which was subsequently misplaced in the USPTO. Therefore, the application, including one (1) sheet of drawings containing Figures 4A-E, is entitled to a filing date of 24 October, 2001.

In view of the above, the petition is granted.

The Notice mailed on 7 March, 2002, is withdrawn. No petition fee is due and none has been charged.

The application will be reprocessed with a filing date of 24 October, 2001, using the application papers filed on that date and the one sheet of drawings containing Figures 4A-E supplied on 4 June, 2002.

The application is being returned to Initial Patent Examination Division for reprocessing with a filing date of **24 October, 2001**, using the application papers filed on that date, and the one sheet of drawings supplied on 4 June, 2002.

Telephone inquiries specific to this matter should be directed to the undersigned at 703 308-6918.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions